

AMENDED IN SENATE APRIL 5, 2011

AMENDED IN SENATE MARCH 30, 2011

**SENATE BILL**

**No. 493**

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**Introduced by Senator Padilla**  
(Coauthor: Assembly Member Fuentes)

February 17, 2011

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An act to amend Section 10389.1 of the Public Contract Code, relating to state property, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 493, as amended, Padilla. State surplus property.

Existing law requires the Department of General Services to perform various functions and duties with respect to state property. Existing law authorizes the department to first offer appropriate state surplus personal property to school districts, at less than fair market value, prior to offering that property to the public, as specified.

This bill would require the department, notwithstanding the above procedures for state surplus property, to first offer state surplus computers at less than fair market value to recipients of grants under the federal American Recovery and Reinvestment Act of 2009 for use with an approved broadband adoption project involving a public computer center ~~or digital literacy training~~. The bill would require the department to report to the Legislature on its implementation of this provision on or before December 31, 2012.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 10389.1 of the Public Contract Code is amended to read:

10389.1. (a) The Department of General Services, if feasible and consistent with existing law, shall first offer appropriate state surplus personal property to school districts *and to entities described in subdivision (b)* prior to offering that property to the public, except for property more appropriately suited for public safety uses. The department may offer school districts state surplus personal property at less than fair market value, if it is determined by the Director of General Services to be in the best interests of the state. The department shall develop policies and procedures for the implementation of this article.

~~(b) (1) Notwithstanding subdivision (a), the~~ The department shall first offer state surplus computers at less than fair market value to recipients of grants under the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5) for use with an approved broadband adoption project involving a public computer-center or digital literacy training center.

(2) On or before December 31, 2012, the department shall report to the Legislature on its implementation of this subdivision and recommend whether other nonprofit organizations working to close the digital divide among low-income populations, in accordance with the state policy in California set forth in subdivision (d) of Section 709 of the Public Utilities Code, should be eligible for state surplus computers at less than fair market value.

(3) The requirement for submitting a report imposed pursuant to paragraph (2) is inoperative on December 31, 2016, pursuant to Section 10231.5 of the Government Code.

(4) A report required to be submitted pursuant to paragraph (2) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to enable recipients of grants under the federal American Recovery and Reinvestment Act of 2009 to have access to

1 computers for use within the limited timeframe for which federal  
2 funding is available, it is necessary for this act to take effect  
3 immediately.

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